



# CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Adopt resolution declaring intention to amend Ordinance No. 1753, which establishes the Lodi Tourism Business Improvement District (LTBID) and method of levying and collecting assessments within the LTBID boundaries, and setting public hearing for March 16, 2005

**MEETING DATE:** February 16, 2005

**PREPARED BY:** Finance Director

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**RECOMMENDED ACTION:** A) That the City Council adopt a resolution declaring its intention to amend Ordinance 1753, Section 12.07.130 relating to the Levy of Assessment—Collection, Delinquency, and Penalty, changing the delinquent time for the report and amount due from twenty days to the last day of the month following the close of each calendar quarter.

B) That the time and place for the public hearing to amend Ordinance No. 1753, Section 12.07.130 relating to the Levy of Assessment—Collection, Delinquency, and Penalty, be set for March 16, 2005, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.


**BACKGROUND INFORMATION:** The City Council adopted Ordinance 1753 on October 20, 2004, and said ordinance took effect on January 1, 2005. Ordinance Number 1753 establishes that LTBID assessments are delinquent if not paid within 20 days after they are due. Transient Occupancy Taxes are due within one month after they are due. Since both the LTBID assessment and the Transient Occupancy Taxes are calculated using the same base room rental amounts, it is appropriate that both be due and payable on the same date each quarter. The date for payment of the LTBID assessment was inadvertently established to be twenty days after the end of the quarter. In order to make the due date consistent for payment of the LTBID assessment and Transient Occupancy Taxes it is necessary to amend Ordinance 1753, Section 12.07.130, which establishes the delinquency date for payments of the LTBID assessments. Amendment of Ordinance 1753 requires a public hearing for that purpose, which is recommended to occur on March 16, 2005.

**FUNDING:** Not applicable

  
James R. Krueger, Finance Director

JRW  
Attachments  
cc: Nancy Beckman, LCVB

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APPROVED:   
Blair King, City Manager

RESOLUTION NO. 2005-37

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING  
ITS INTENTION TO AMEND ORDINANCE 1753, WHICH  
ESTABLISHES THE LODI TOURISM BUSINESS IMPROVEMENT  
DISTRICT (LTBID) AND METHOD OF LEVYING AND  
COLLECTING ASSESSMENTS WITHIN THE LTBID  
BOUNDARIES

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WHEREAS, the Lodi City Council adopted a Resolution of Intention No. 2004-191 on September 15, 2004, declaring its intention to establish the Lodi Tourism Business Improvement District (LTBID) and to levy and collect assessments within the LTBID boundaries; and

WHEREAS, the Lodi City Council held a public hearing and introduced Ordinance 1753 to establish the LTBID and the levy of the assessments on October 6, 2004, at 7:00 p.m. at the Carnegie Forum, 305 West Pine Street, Lodi, California; and

WHEREAS, the Lodi City Council adopted Ordinance 1753 on October 20, 2004, which took effect on January 1, 2005; and

WHEREAS, Ordinance 1753 establishes that LTBID assessments are delinquent if not paid within twenty days after they are due; and

WHEREAS, Lodi Municipal Code Chapter 3.12, "Transient Occupancy Tax," establishes that Transient Occupancy Taxes are delinquent if not paid within one month after they are due; and

WHEREAS, it would be convenient for the assessment of both fees to be due at the same time; and

WHEREAS, the Lodi City Council now desires to amend Ordinance 1753, Section 12.07.130 as follows:

**Section 12.07.130 Levy of Assessment—Collection, Delinquency, and Penalty.**

The collection of the assessment imposed by this chapter shall be made on a quarterly basis from hotels within the City of Lodi. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. Each operator shall, on or before the last day of each quarter, make a report to the Finance Director on forms provided by city of the amount of assessment due for that quarter. The report and amount become delinquent twenty on the last day of the month following the close of each calendar Quarter. The full amount of the assessment calculated shall be remitted to the Finance Director at the time the return is filed. The Finance Director may establish shorter reporting or remitting periods for any operator and may require additional information in any return. Returns and payments are due immediately upon cessation of business for any reason. Each return shall contain a declaration under penalty of perjury, executed by the operator or its authorized agent, that, to the best of the declarant's knowledge, the statements in the return are true, correct, and complete.

Any operator who fails to remit any assessment imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the assessment in addition to the amount of the assessment. Any operator who fails to remit any delinquent remittance on or before the 15th day of the month following date of the first penalty shall pay a second delinquency penalty of ten percent of the amount of the assessment in addition to the amount of assessment and ten percent penalty first imposed.

If the Finance Director determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the assessment shall be added thereto in addition to the penalties stated above.

In addition to the penalties imposed, any operator who fails to remit any assessment imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

Every penalty imposed and such interest as accrued under the provisions of this section shall become a part of the assessment required to be paid by this chapter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to amend Ordinance 1753, Section 12.07.130, relating to the Levy of Assessment—Collection, Delinquency, and Penalty, changing the delinquent time for the report and amount due from twenty days to the last day of the month following the close of each calendar quarter.

Section 3. The time and place for the public hearing to amend Ordinance No. 1753, Section 12.07.130, relating to the Levy of Assessment—Collection, Delinquency, and Penalty, is hereby set for March **16, 2005, at 7:00 p.m.**, at the Carnegie Forum, **305** West Pine Street, Lodi, California.

Section 4. At the public hearing the testimony of all interested persons for or against the amendment will be heard.

Section 5. A protest against the LTBD Ordinance amendment may be made in writing. To count in the majority protest against the LTBD, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must **be** received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 6. If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LTBD that will pay fifty percent (50%) or more of the total assessments of the entire LTBD (Exhibit A), no further proceedings to amend Ordinance 1753 as set forth herein shall occur. New proceedings to amend the LTBD shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council.

Section 7. Further information regarding the proposed amendment to LTBD Ordinance 1753 may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 8. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner assessed in the LTBD within seven (7) days of the adoption of this Resolution by the City Council.

Section 9. This Resolution is effective on its adoption.

Dated: February 16, 2005

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I hereby certify that Resolution No. 2005-37 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 16, 2005, by the following vote:

AYES:	COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman
NOES:	COUNCIL MEMBERS – None
ABSENT	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – None

  
**SUSAN J. BLACKSTON**  
City Clerk

# EXHIBIT A

## Number of Votes

Wine and Roses Country Inn Wine and Roses Country Inn, LLC Agent for Service of Process : Russel G Munson 2505 W Turner Rd Lodi, CA 95242 Phone: 209-334-6988 Bus Tax # : 2121	2472
Del Rancho Motel Ashvin R Patel 501 N Cherokee Ln Lodi, CA 95240 Phone: 209-368-5348 Bus Tax # : 10836	178
Holiday Inn Express Daryl Geweke PO Box 1210 (1140 S Cherokee Ln) Lodi, CA 95241 Phone: 209-334-6422 Bus Tax # : 568	3237
Star Hotel Jay K/Sangrita J Patel 22 S Main St Lodi, CA 95240 Phone: 209-368-3281, 209-368-4122 Bus Tax # : 3467	4
Budget Inn of Lodi Suresh B Patel 917 S Cherokee Ln Lodi, CA 95240 Phone: 209-369-1091 Bus Tax # : 495	165
Comfort Inn ~ Lodi KFP Management, Inc Agent for Service of Process : Kyu S Kim 118 N Cherokee Ln Lodi, CA 95240 Phone: 209367-4648 Bus Tax # : 12851	1783
Lodi El Rancho Motel R & P Properties, Inc Agent for Service of Process : Ramesh Pitamber 220 Harding Bv (603 N Cherokee Ln)	510

# EXHIBIT A

Roseville. CA 95678  
Phone. 916-783-0961  
Bus Tax #: 12126

Yadav & Assoc/Modern Motor Lodge  
Sunil/Shobhana/Sushil/Sonal Yadav  
1050 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-333-8844, 208.333-9812  
Bus Tax # 621

18

Wine Country inn  
Shobhana/Surendra F Patel  
607 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-368-1152  
Bus Tax #: 748

183

Rancho Grande Motel  
Hasmukh M/Rita Bhakta  
807 S Cherokee Ln  
Lodi, CA 95240  
Phone 209-334-3303  
Bus Tax #: 8827

55

Traveler's Hotel  
Ghanshyam A/Mita Patel  
112 N School St  
Lodi, CA 95240  
Phone: 209-368-1518  
Bus Tax # . 444

23

Viking Motel  
Rakesh G/Smita Patel  
815 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-369-6229  
Bus Tax # . 6900

69

Royal Host inn  
Chetan H/Prakash J/Pradeepkumar/Paresh J Patel  
710 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-369-8484  
Bus Tax # 760

1169

Imperial Hotel  
Mumraiez Ahmad  
9 W Oak St  
Lodi, CA 95240  
Phone 209-366-0964, 209-369-5744

a

## EXHIBIT A

Bus Tax # : 391

### Economy Inn

124

Hasimukh/Rita/Jayanti/Kalavati Bhakta

1100 S Cherokee Ln

Lodi, CA 95240

Phone: 209-368-3778

Bus Tax # : 8258

### Main Hotel

2

Gurvant Bhatka

4 S Main St

Lodi, CA 95240

Plums: 209-334-6058

BusTax # : 1166

10000

## NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2005-37

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ITS INTENTION TO AMEND ORDINANCE 1753, WHICH  
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**Section 12.07.130: Levy of Assessment—Collection, Delinquency, and Penalty.**

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Section 9. This Resolution is effective on its adoption.

Dated: February 16, 2005

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NOES:	COUNCIL MEMBERS – None
ABSENT:	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk

# EXHIBIT A

## Numbr of Votes

<p>Wine and Roses Country Inn  Wine and Roses Country Inn, LLC  Agent for Service of Process : Russel G Munson  2505 W Turner Rd  Lodi, CA 95242  Phone: 209-334-6988  Bus Tax # : 2121</p>	2472
<p>Del Rancho Motel  Ashvin R Patel  501 N Cherokee Ln  Lodi, CA 95240  Phone: 209-366-5348  Bus Tax # : 10936</p>	178
<p>Holiday Inn Express  Daryl Geweke  PO Box 1210 (1140 S Cherokee Ln)  Lodi, CA 95241  Phone: 209-334-6422  Bus Tax # : 568</p>	3237
<p>Star Hotel  Jay K/Sangrita J Patel  22 S Main St  Lodi, CA 95240  Phone: 209-368-3261, 209-368-4122  Bus Tax # : 3407</p>	4
<p>Budget Inn of Lodi  Suresh B Patel  917 S Chemkee Ln  Lodi, CA 95240  Phone: 209-368-1081  Bus Tax # : 405</p>	165
<p>Comfort Inn - Lodi  KFP Management, Inc  Agent for Service of Process : Kyu S Kim  118 N Cherokee Ln  Lodi, CA 95240  Phone: 209-367-4848  Bus Tax # : 12851</p>	1783
<p>Lodi El Rancho Motel  R &amp; P Propenles, Inc  Agent for Service of Process : Ramesh Ptamber  220 Harding Bv (603 N Cherokee Ln)</p>	510

# EXHIBIT A

Roseville, CA 95678  
Phone: 916-783-0961  
Bus Tax # : 12126

Yadav & Assoc/Modern Motor Lodge  
Sunil/Shobhana/Sushil/Sonal Yadav  
1050 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-333-8844, 209-333-9812  
Bus Tax # : 621

18

Wine Country inn  
Shobhana/Surendra F Patel  
807 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-368-1152  
Bus Tax # : 748

183

Rancho Grande Motel  
Hasmukh M/Rita Bhakta  
607 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-334-3303  
Bus Tax # : 8827

55

Traveler's Hotel  
Ghanshyam A/Mita Patel  
112 N School St  
Lodi, CA 95240  
Phone: 209-368-1518  
Bus Tax # : 444

23

Viking Motel  
Rakesh G/Smita Patel  
815 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-369-6229  
Bus Tax # : 6900

69

Royal Host Inn  
Chetan H/Prakash J/Pradeepkumar/Paresh J Patel  
710 S Cherokee Ln  
Lodi, CA 95240  
Phone: 209-369-8484  
Bus Tax # : 760

1169

Imperial Hotel  
Mumraiez Ahmad  
9 W Oak St  
Lodi, CA 95240  
Phone: 209-366-0964, 209-366-5744

8

# EXHIBIT A

BUS Tax # : 391

Economy Inn  
Hasmukh/Rita/Jayanti/Kalavati Bhakta  
1100 S Chemkee Ln  
Lodi, CA 95240  
Phone: 209-368-3778  
Bus Tax # : 8256

124

Main Hotel  
Gurvant Bhatka  
4 S Main St  
Lodi, CA 95240  
Phone: 209-334-6059  
BusTax # : 1166

2

10000



## **DECLARATION OF POSTING**

### **SET PUBLIC HEARING FOR MARCH 16, 2005, TO CONSIDER A RESOLUTION OF INTENTION TO AMEND ORDINANCE 1753**

On Friday, February 18, 2005, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider approving the Countywide Master Annexation Agreement with San Joaquin County and adoption of the County Facility Fee Program, (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.


Executed on February 18, 2005, at Lodi, California

ORDERED BY:

**SUSAN J. BLACKSTON**  
**CITY CLERK**

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Jacqueline L. Taylor, CMC  
Deputy City Clerk

  
Kari J. Chadwick  
Administrative Clerk

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Jennifer M. Perrin, CMC  
Deputy City Clerk



*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

## **ADVERTISING INSTRUCTIONS**

**SUBJECT:** SET PUBLIC HEARING FOR MARCH 16,2005, TO CONSIDER A RESOLUTION  
OF INTENTION TO AMEND ORDINANCE 1753

## **LEGAL AD**


**PUBLISH DATE:** SATURDAY, FEBRUARY 22,2005

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, FEBRUARY 17,2005

**ORDERED BY:**

  
KARI J. CHADWICK  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

**SEND PROOF OF ADVERTISEMENT. THANK YOU!!**

LNS	Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
	Phoned to confirm receipt of all pages at _____ (time) _____ Jac _____ KJC _____ Jen (initials)



## **DECLARATION OF MAILING**

### **SET PUBLIC HEARING FOR MARCH 16, 2005, TO CONSIDER A RESOLUTION OF INTENTION TO AMEND ORDINANCE 1753**

On February 18, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing for March 16, 2005, to consider a resolution of intention to amend ordinance 1753, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 18, 2005, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**


ORDERED BY:

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JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

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JENNIFER M. PERRIN  
DEPUTY CITY CLERK

  
KARI J. CHADWICK  
ADMINISTRATIVE CLERK



Vine & Roses Country Inn  
Russel G. Munson  
505 W. Turner Road  
Lodi, CA 95242

Del Rancho Motel  
Ashvin R. Patel  
501 N. Cherokee Lane  
Lodi, CA 95240

Holiday Inn Express  
Daryl Geweke  
P.O. Box 1210  
Lodi, CA 95241

Star Hotel  
Jay K/Sangrita J. Patel  
2 S. Main Street  
Lodi, CA 95240

Budget Inn of Lodi  
Suresh B. Patel  
917 S. Cherokee Lane  
Lodi, CA 95240

Comfort Inn – Lodi  
KFP Management/Kyu S. Kim  
118 N. Cherokee Lane  
Lodi, CA 95240

Lodi El Rancho Motel  
R&P Properties/Ramesh Pitamber  
20 Harding Boulevard  
Lodi, CA 95678

Modern Motor Lodge  
Yadav & Associates  
1050 S. Cherokee Lane  
Lodi, CA 95240

Wine Country Inn  
Shobhana/Surendra F. Patel  
607 S. Cherokee Lane  
Lodi, CA 95240

Rancho Grande Motel  
Hasmukh M./Rita Bhakta  
107 S. Cherokee Lane  
Lodi, CA 95240

Traveler's Hotel  
Ghanshyam A./Mita Patel  
112 N. School Street  
Lodi, CA 95240

Viking Motel  
Rakesh G./Smita Patel  
815 S. Cherokee Lane  
Lodi, CA 95240

Royal Host Inn  
Chetan H. Pradepkumar & Paresh Patel  
110 S. Cherokee Lane  
Lodi, CA 95240

Imperial Hotel  
Mumraiez Ahmad  
9 W. Oak Street  
Lodi, CA 95240

Economy Inn  
Hasmukh/Kalavati Bhakta  
1100 S. Cherokee Lane  
Lodi, CA 95240

Main Hotel  
Suryant Bhatka  
1 S. Main Street  
Lodi, CA 95240

## ADVISORY BOARD APPOINTEES AND LCVB:

Nine & Roses Country Inn  
Fabitha Freytag  
2505 W. Turner Road  
Lodi, CA 95242

Comfort Inn – Lodi  
Beth Kim  
118 N. Cherokee Lane  
Lodi, CA 95240

Wine Country Inn  
Sonny Patel  
607 S. Cherokee Lane  
Lodi, CA 95240

Modern Motor Lodge  
Sunil Yadav  
1050 S. Cherokee Lane  
Lodi, CA 95240

Frames & Fine Things  
Mary Wallace  
18 W. Pine Street  
Lodi, CA 95240

Wine & Visitors Center  
Kelli Mettler  
2545 W. Turner Road  
Lodi, CA 95242

Jewel Fine Wines  
Beny Hansen  
3750 E. Woodbridge Road  
Woodbridge, CA 95258

Nancy Beckman, Executive Director  
Lodi Conference & Visitors' Bureau  
2545 W. Turner Road  
Lodi, CA 95240

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2005-37

**A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO AMEND ORDINANCE 1753, WHICH ESTABLISHES THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID) AND METHOD OF LEVYING AND COLLECTING ASSESSMENTS WITHIN THE LTBID BOUNDARIES**

WHEREAS, the Lodi City Council adopted a Resolution of Intention No. 2004-191 on September 15, 2004, declaring its intention to establish the Lodi Tourism Business Improvement District (LTBID) and to levy and collect assessments within the LTBID boundaries; and

WHEREAS, the Lodi City Council held a public hearing and introduced Ordinance 1753 to establish the LTBID and the levy of the assessments on October 6, 2004, at 7:00 p.m. at the Carnegie Forum, 305 West Pine Street, Lodi, California; and

WHEREAS, the Lodi City Council adopted Ordinance 1753 on October 20, 2004, which took effect on January 1, 2005; and

WHEREAS, Ordinance 1753 establishes that LTBID assessments are delinquent if not paid within twenty days after they are due; and

WHEREAS, Lodi Municipal Code Chapter 3.12, "Transient Occupancy Tax," establishes that Transient Occupancy Taxes are delinquent if not paid within one month after they are due; and

WHEREAS, it would be convenient for the assessment of both fees to be due at the same time; and

WHEREAS, the Lodi City Council now desires to amend Ordinance 1753, Section 12.07.130 as follows:

**Section 12.07.130: Levy of Assessment--Collection, Delinquency, and Penalty.**

The collection of the assessment imposed by this chapter shall be made on a quarterly basis from hotels within the City of Lodi. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. Each operator shall, on or before the last day of each quarter, make a report to the Finance Director on forms provided by city of the amount of assessment due for that quarter. The report and amount become delinquent **twenty on the last day of the month following the close of each calendar quarter.** The full amount of the assessment calculated shall be remitted to the Finance Director at the time the return is filed. The Finance Director may establish shorter reporting or remitting periods for any operator and may require additional information in any return. Returns and payments are due immediately upon cessation of business for any reason. Each return shall contain a declaration under penalty of perjury, executed by the operator or its authorized agent, that, to the best of the declarant's knowledge, the statements in the return are true, correct, and complete.

Any operator who fails to remit any assessment imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the assessment in addition to the amount of the assessment. Any operator who fails to remit any delinquent remittance on or before the 15th day of the month following date of the first penalty shall pay a second delinquency penalty of ten percent of the amount of the assessment in addition to the amount of assessment and ten percent penalty first imposed.

If the Finance Director determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the assessment shall be added thereto in addition to the penalties stated above.

In addition to the penalties imposed, any operator who fails to remit any assessment imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

Every penalty imposed and such interest as accrued under the provisions of this section shall become a part of the assessment required to be paid by this chapter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

**Section 1.** The recitals set forth herein are true and correct.

**Section 2.** The City Council declares its intention to amend Ordinance 1753, Section 12.07.130, relating to the Levy of Assessment--Collection, Delinquency, and Penalty changing the delinquent time for the report and amount due from twenty days to the last day of the month following the close of each calendar quarter.

**Section 3.** The time and place for the public hearing to amend Ordinance No. 1753, Section 12.07.130, relating to the Levy of Assessment--Collection, Delinquency, and Penalty, is hereby set for **March 16, 2005, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

**Section 4.** At the public hearing the testimony of all interested persons for or against the amendment will be heard.

**Section 5.** A protest against the LTBID Ordinance amendment may be made in writing. To count in the majority protest against the LTBID, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or Prior to, the public hearing.

**Section 6.** If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID, no further proceedings to amend Ordinance 1753 as set forth herein shall occur. New proceedings to amend the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council.

**Section 7.** Further information regarding the proposed amendment to LTBID Ordinance 1753 may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California, 95240.

**Section 8.** The City Clerk is instructed to provide notice of the public hearing as follows:

a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.

b. Mail complete copy of this Resolution of Intention to each and every business owner assessed in the LTBID within seven (7) days of the adoption of this Resolution by the City Council.

**Section 9.** This Resolution is effective on its adoption.

Dated: February 16, 2005

I hereby certify that Resolution No. 2005-37 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 16, 2005, by the following vote:

AVES COUNCIL MEMBERS - Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman  
NOES COUNCIL MEMBERS - None  
ABSENT COUNCIL MEMBERS - None  
ABSTAIN: COUNCIL MEMBERS - None

SUSAN J. BLACKSTON  
City Clerk

Approved as to form  
D. Stephen Schwabauer  
City Attorney  
February 22, 2005

**NOTICE OF PUBLIC HEARING**

**RESOLUTION NO. 2005-37**

**A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO AMEND ORDINANCE 1753, WHICH ESTABLISHES THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID) AND METHOD OF LEVYING AND COLLECTING ASSESSMENTS WITHIN THE LTBID BOUNDARIES**

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**Section 9.** This Resolution is effective on its adoption.

Dated: February 16, 2005

I hereby certify that Resolution No. 2005-37 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS -- Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman  
NOES: COUNCIL MEMBERS -- None  
ABSENT: COUNCIL MEMBERS -- None  
ABSTAIN: COUNCIL MEMBERS -- None

SUSAN J. BLACKSTON  
City Clerk

Approved as to form:  
D. Stephen Schwabauer  
City Attorney  
February 19, 2005

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

February 24th

all in the year 2005.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 24th day of February, 2005

Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

Notice of Public Hearing  
City of Lodi, Resolution No. 2005-37

**NOTICE OF PUBLIC HEARING**  
**RESOLUTION NO. 2005-37**  
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**Section 9.** This Resolution is effective on its adoption.

Dated: February 16, 2005

I hereby certify that Resolution No. 2005-37 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS — Hansen, H. — Johnson, Maurice — Beckman  
NOES: COUNCIL MEMBERS — None  
ABSTAIN: COUNCIL MEMBERS — None

SUSAN J. BLACKSTON  
City Clerk

Approved as to form: [Signature]  
D. Stephen Schwabauer  
City Attorney